

7/1/08

(A241, R282, S638)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-160 SO AS TO ENACT THE "SOUTH CAROLINA PUBLIC INVOCATION ACT" TO ALLOW A GOVERNING BODY OF A STATE OR LOCAL GOVERNMENT BODY TO ADOPT, BY ORDINANCE, RESOLUTION, OR POLICY STATEMENT, A POLICY THAT PRESERVES THE TRADITION OF SOLEMNIZING PUBLIC PROCEEDINGS BY ALLOWING FOR AN OPENING INVOCATION USING ONE OF THREE METHODS AND TO DEFINE "PUBLIC INVOCATION" AND "DELIBERATIVE PUBLIC BODY".

Whereas, state and local governing bodies across the nation have long maintained a tradition of solemnizing their proceedings by allowing for an opening invocation before each meeting for the benefit and blessing of those public bodies; and

Whereas, such invocations before deliberative public bodies have been consistently upheld as constitutional by American courts, including the United States Supreme Court and the United States Court of Appeals for the Fourth Circuit; and

Whereas, in *Marsh v. Chambers*, 463 U.S. 783, 786 (1983), the United States Supreme Court rejected a challenge to the Nebraska Legislature's practice of opening each day of its sessions with a prayer by a chaplain paid with taxpayer dollars, and specifically concluded, "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom"; and

Whereas, the United States Supreme Court clarified in *Marsh*, 463 U.S. at 794-795, "The content of [such] prayer is not of concern to judges where . . . there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief."; and

Whereas, in *Simpson v. Chesterfield County Board of Supervisors*, 404 F.3d 276 (4th Cir. 2004), cert. denied, the United States Court of Appeals for the Fourth Circuit recently reviewed and specifically approved the policy of a county board in which various clergy in the county's religious community were invited to present invocations before meetings of the board; and

Whereas, the Fourth Circuit's ruling in *Simpson* can be distinguished from its earlier decision in *Wynne v. Town of Great Falls*, 376 F.3d 292, 298 (4th Cir. 2004, cert. denied) (citing *Marsh*, 463 U.S. at 794), where the court found a town council "improperly 'exploited' a 'prayer opportunity' to 'advance' one religion over others"; and

Whereas, the General Assembly acknowledges that differences of opinion exist with regard to whether and when sectarian references can be included in public Invocations and encourages deliberative public bodies to seek qualified counsel on that specific issue and other case law developments concerning public invocations; and

Whereas, this act signifies the General Assembly's belief that deliberate public bodies in this State may adopt policies that will permit public invocations in a constitutionally permissible fashion. This act does not signify the General Assembly's belief in the limits of constitutional law, nor preempt the deliberative public body from exercising a constitutional right to permit public invocations pursuant to a policy other than that set forth in this act. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

South Carolina Public Invocation Act

SECTION 1. This act may be cited as the "South Carolina Public Invocation Act".

Public invocations

SECTION 2. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

"Section 6-1-160. (A) For purposes of this section:

(1) 'Public invocation' means an invocation delivered in a method provided pursuant to subsection (B) to open the public meeting of a deliberative public body. In order to comply with applicable constitutional law, a public invocation must not be exploited to proselytize or advance any one, or to disparage any other faith or belief.

(2) 'Deliberative public body' means a state board or commission, the governing body of a county or municipal government, a school district, a branch or division of a county or municipal government, or a special purpose or public service district.

**AGENDA ITEM SUMMARY
OCONEE COUNTY, SC**

COUNCIL MEETING DATE: July 1, 2008
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Request for approval of ATAX grant request from SC Apple Festival in the amount of \$8,400.00 for Radio/TV/Newspaper/Magazine Advertising to promote the South Carolina Apple Festival in September, 2008. Request approved in ATAX Committee on 05/28/08 by a unanimous vote. The original request was \$9,000.00; the grant reduced to \$8,400.00 due to lack of funds.

BACKGROUND OR HISTORY:

State ATAX funds are received quarterly and 65% of those funds are Tourism Related funds that are to be disbursed as recommended by the ATAX committee and approved by County Council. All ATAX grant recipients are required by state law to turn in intermediate reports every 60 days to the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the ATAX chairperson until the grant is considered complete, and then it is stored by the PRT office.

SPECIAL CONSIDERATIONS OR CONCERNS:

The South Carolina Apple Festival is held yearly in Westminster to promote the South Carolina apple heritage. The festival will be celebrating its 47th year and is one of the longest running festivals in the state of South Carolina. The Apple Festival brings visitors to Oconee County. There were 8,000 visitors to last year's festival and the rodeo. A zip code survey taken by the PRT staff showed that 25% of visitors surveyed were from beyond a 50 mile radius and that 22% stayed overnight.

STAFF RECOMMENDATION:

Approval of ATAX grant request of \$8,400.00 to the South Carolina Apple Festival.

FINANCIAL IMPACT:

Current ATAX fund balance is \$9,237.62. We have two ATAX requests this grant cycle. If these requests are approved by County Council the remaining balance will be \$49.67.

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: SC Apple Festival providing additional \$10,000 for operation/hosting of the festival.


ATTACHMENTS:

SC Apple Festival Grant Request

Submitted or Prepared By:

Phil Shirley, PRT Director
Department Head/Elected Official

Approved for Submittal to Council:


Dale Surratt, County Administrator

Reviewed By/ Initials:

psd Finance: VME Grants

OCONEE COUNTY ATAX GRANT APPLICATION FORM FOR TOURISM RELATED PROJECTS

I. APPLICANT

A. Name of Organization South Carolina Apple Festival

B. Address P.O. Box 206 Westminster SC 29693

II. FUNDS REQUESTED:

A. ATAX Funds Requested \$9000.00

B. How will ATAX Funds be used?

The funds will be used to pay for radio, television, newspaper, and magazine advertising to promote the South Carolina Apple Festival in September.

C. Estimated percentage of costs directly attributed to attracting or serving tourists?

100%

D. Funds furnished by your organization \$10,000

Matching grant \$ _____ Source _____

Other Funding \$ _____ Source _____

D. Provide an itemized budget for your event and for allotted funds. **THIS IS REQUIRED**, attach on a separate sheet. Attached

III. NARRATIVE PROJECT DESCRIPTION

A. Project Title: South Carolina Apple Festival

B. Description of project:

The South Carolina Apple Festival is held yearly in Westminster to promote the South Carolina apple heritage. The festival will be celebrating it's 47th year and is one of the longest running festivals in the state of South Carolina.

C. Who will benefit from this project?

The residents will benefit from increased tax revenue that is spent while people are visiting our area. The stores, restaurants, bed and breakfast inns, and gas stations enjoy increased revenue.

IV. DATES OF PROJECT

Beginning September 2, 2008 Ending September 6, 2008

V. APPLICANT CATEGORY

Government Entity _____

Non-profit Organization: Incorporation date 1961

Eleemosynary Organization under IRS Code: IRS # 52-1663016

Date of Determination Letter September 1, 1961

VI. DEMOGRAPHIC DATA

How will the project influence tourism in Oconee County?

The project always brings visitors to our area. Based on last year's zip code survey we had people from as far away as Alaska.

How many visitors/participants attended the event last year and are anticipated this year?

8000 over the two day festival and the rodeo.

How many of the visitors/participants were from beyond a 50 mile radius of Oconee County last year and are anticipated this year?

25% of the people surveyed were from beyond a 50 mile radius.

How many overnight stays were created by this event last year and are anticipated this year?

Of the people surveyed, a total of 22% stayed overnight as a direct result of the South Carolina Apple Festival. This is based on the zip code survey done last year. The projection would be at least the same as last year. A survey will be conducted again this year as well as information from campgrounds and Magnolia Manor.

How do you plan to advertise this event beyond a 50-mile radius of Oconee County?

Radio ads, Newspaper ads, Television ads, and magazine ads to promote the South Carolina Apple Festival in areas outside the 50 mile radius requirement.

What other documentation can you provide demonstrating this event promotes Tourism in Oconee County? (i.e. photographs, letters from local chambers of commerce, restaurants, shop or accommodations owners)

Letters of support from merchants and pictures from the 2007 Festival.

What records will be kept during this event to obtain the above demographic data? (i.e. guest logs, phone logs, accommodations contracts, website hits, advertising demographics)

A survey of zip codes were taken randomly on the streets last year during the two day festival. We keep monthly records at the Chamber of Commerce about our website hits.

VII. AUDIT

Does your organization perform an independent audit? Yes No

Name of the Auditor Fred Stutsman CPA

VIII. Will your project be using any funds from another group that received ATAX funds? No

I have read the guidelines for the Oconee County Accommodations Grant Request and do hereby agree to comply with all rules and requirements. I understand failure to comply may result in a loss of funding for the project and that all information required for final reporting MUST be detailed when project is complete.

A. Contact Name Danny Duncan Title President

Address P.O. Box 206 Westminster SC 29693

E-mail _____ Fax No. _____

Phone Number (s) 864-647-7223

Signature Daniel T. Duncan Date 5-6-08

B. Alternate Contact Sandra Powell Title Board Member

Address P.O. Box 206 Westminster SC 29693

E-mail wco2@emvox.net Fax No. 864-647-9645

Signature Sandra B. Powell Date 5-6-08

Phone Number (s) 864-647-5316 or 864-247-6838

SCAF Advertising Budget 2008

Local Advertising	AMOUNT	Tourism Advertising	AMOUNT	Extra Advertising	AMOUNT
Newspaper		Newspaper		Billboards	
West News	\$500.00	Toccoa Record	\$1,200.00	Fairway	\$3,435.00
Daily Journal	\$500.00	Hartwell Star	\$250.00		
		Elberton	\$250.00		
		Greenville News	\$1,063.00		

Radio	Radio				
WISOG	WESC		\$1,000		
	WMMY		\$500.00		
	WSSS		\$600.00		
	Hartwell GA		\$100.00		
	Chilton GA		\$100.00		
	Toccoa GA		\$100.00		
	Sylvia NC		\$100.00		
	Franklin NC		\$100.00		

TV	TV				
Northland	WNEG Ch 32		\$2,000.00		
	Charter		\$1,894.00		

Magazine	Magazine				
Golden Corner Today	SC Magazine		\$1,850		
	Discover Upstate		\$900		
	Upstate Parent		\$950.00		

Local Total	\$2,800.00	Tourism Total	\$12,657.00	Extra Total	\$3,435.00
Total Budget					\$19,892.00

SCAP General Budget 2009

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804-544-1494

Geri M McSwain

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Department	AMOUNT	Rodeo	
Entertainment	\$4,500	Rodeo Expense	15,000.00
Rides	\$2,000	Awards	\$600
Shirts	\$4,000.00	Trash	\$500.00
Signage	\$1,000.00	Insurance	\$1,600.00
Oper/exp	\$1,300.00	Oper/Exp	\$4,200.00
Advertising	\$18,992.00	Misc.	\$1,000.00
Misc.	\$1,000.00		
Children Act.	\$1,000.00		
Security	\$1,000.00		
Awards	\$600.00		
Total	\$35,392.00	Total	\$22,900.00
Projected Budget		Total	\$56,292.00

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: July 1, 2008
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

ATAX grant request from Blue Ridge Arts Council in the amount of \$788.00 for Advertising the "Arts & Quilts" Exhibit. Request approved in ATAX Committee on 05/28/08 by a unanimous vote. The original request was \$1,420.00; the printing cost was reduced to 20% of the requested amount, which is the cost attributed to tourism.

BACKGROUND OR HISTORY:

State ATAX funds are received quarterly and 65% of those funds are tourism related funds that are to be disbursed as recommended by the ATAX committee and approved by County Council. All ATAX grant recipients are required by state law to turn in intermediate reports every 60 days regarding the progress of the grant and a final report upon completion of the grant. These reports are placed in the grant folder, which is kept active by the ATAX chairperson until the grant is considered complete, and then it is stored by the PRT office.

SPECIAL CONSIDERATIONS OR CONCERNS:

The Arts and Quilts Exhibit will have some of the finest artists in the area, many of which are award winners throughout the United States. The show will be promoted throughout the state which will attract friends, families, and vacationers. Increased advertising throughout South Carolina and North Carolina by Blue Ridge Arts Council will draw more visitors to Oconee County. The publicity will open a door for visitors to discover what Oconee County has to offer.

STAFF RECOMMENDATION:

Approval of ATAX grant request of \$788.00 to the Blue Ridge Arts Council.

FINANCIAL IMPACT:

Current ATAX fund balance is \$9,237.62. We have two ATAX requests this grant cycle. If these requests are approved by County Council the remaining balance will be \$49.62.

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS:

Are Matching Funds Available: Yes

If yes, who is matching and how much: Seneca HAT \$150.00

ATTACHMENTS:

Blue Ridge Arts Council Grant Request

Submitted or Prepared By:

Phil Shirley, PRT Director
Department Head/Elected Official

Approved for Submittal to Council:

Dee Surratt
Dee Surratt, County Administrator

Reviewed By/ Initials:

psl Finance VH Grants

**OCONEE COUNTY ATAX GRANT
APPLICATION FORM
FOR TOURISM RELATED PROJECTS**

I. APPLICANTA. Name of Organization Blue Ridge Arts CouncilB. Address 111 E. South Second St., Seneca, SC 29678**II. FUNDS REQUESTED**A. ATAX Funds Requested \$1,420.00

How will ATAX Funds be used? ATAX funds will be used to enhance participation in the upcoming show in our gallery, **Fiber Arts and Quilts**. It is our goal to encourage viewers' attendance from communities more than 50 miles away from Oconee County. Advertisement throughout the region in a variety of media, the design, printing and mailing of invitations, show cards, printing of the exhibition catalog, and advertising for the opening reception will be included in the funded activities.

B. Estimated percentage of costs directly attributed to attracting or serving tourists? 20%D. Funds furnished by your organization: \$400.00Matching grant \$ -0- Source: _____Other Funding: \$ 150 Source: Seneca HATE. Provide an itemized budget for your event and for allotted funds. **THIS IS REQUIRED**, attach on a separate sheet.

III. NARRATIVE PROJECT DESCRIPTION

A. Project Title: Fiber Arts and Quilts

B. Description of project: An exhibit of unique forms of fiber art & quilting.

The artists included in this exhibit are by invitation only. They represent some of the finest artists in the area. Many of which are award winners in competitions held throughout the United States.

C. Who will benefit from this project?

The entire county can benefit from the interest generated by advertising this show and the opportunity for visitors to view the nature and caliber of the work. Friends, families and vacationers will also be attracted to the show, which will be promoted throughout the state.

Increased advertising throughout North and South Carolina by BRAC will draw more visitors to Oconee County. This, in turn, will also create the opportunity for promotion of other area points of interest.

IV. DATES OF PROJECT

Beginning September 19, 2008 Ending November 13, 2008

V. APPLICANT CATEGORY

Government Entity: _____

Non-profit Organization: Incorporation date 1970

Ecclesiosynary Organization under IRS Code: IRS # 23-7360169

Date of Determination Letter October 1974

VI. DEMOGRAPHIC DATA

How will the project influence tourism in Oconee County:

This exhibit held in conjunction with the Lake and Mountain Quilter show being held at the Shaver Center will contribute to stimulating renewed interest and attract additional visitors to BRAC and Oconee County. The L&MQ show held two years ago brought in thousands of visitors. In addition to BRAC, many other art organizations and shops in the county will be uniting to focus on and promote the art of quilting.

Many of the artists have a large followings throughout the region; in the Anderson, Pickens and Greenville areas. Increased publicity by all the participating organizations in those areas as well as in Georgia and North Carolina should bring tourists and art enthusiasts from outside the region. The publicity will open a door for art enthusiasts to discover what Oconee County has to offer. It is also an ideal opportunity to promote the Historic downtown area of Seneca and the natural wonders of our county.

How many visitors/participants attended the event last year and are anticipated this year? New event; no data available -

How many of the visitors/participants were from beyond a 50 mile radius of Oconee County last year and are anticipated this year? New event; no data available.

How many overnight stays were created by this event last year and are anticipated this year? See above response

How do you plan to advertise this event beyond a 50 mile radius of Oconee County?

Website updates, Greenville News, Anderson Independent, Sandlapper Magazine, Carolina Arts publication, Arts Daily (website of SCAC), Laurel Magazine of Highlands and Cashiers, NC., Lake Living, SC Mountain Lakes Today.

What other documentation can you provide demonstrating this event promotes Tourism in Oconee County? (i.e. photographs, letters from local chambers of commerce, restaurants, shop or accommodations owners) BRAC attendance log.

What records will be kept during this event to obtain the above demographic data? (i.e. guest logs, phone logs, accommodations contracts, website hits, advertising demographics)

Records for demographic data include guest log, website hits and phone contacts.

VII. AUDIT


Does your organization perform an independent audit? Yes No

Name of the Auditor Peter Cooke

VIII. Will your project be using any funds from another group that received ATAX funds? Yes, City of Seneca's Hospitality & Accommodations Tax

I have read the guidelines for the Oconee County Accommodations Grant Request and do hereby agree to comply with all rules and requirements. I understand failure to comply may result in a loss of funding for the project and that all information required for final reporting MUST be detailed when project is complete.

A. Contact Name: Bess Ciupak Title: Executive Director

Signature  Date April 25, 2008
 Address 310 Lake Winds Ct. Seneca, SC 29672
 E-mail ciupaks@ncl.com Fax No: (864) 882-2722
 Phone Number (s) 864-882-9131

B. Alternate Contact: Cindy Blair Title: Grants Chairperson

Signature  Date 5/1/08
 Address 228 Winding Oaks Drive Seneca, SC 29672
 E-mail: linenmaven@bc.south.net Fax No: (864) 882-3364
 Phone Number (s) 864-882-3364 or 864-973-3921 (cell)

**FIBER ARTS AND QUILTS
EXHIBIT - BUDGET**

	A	B	C	D
1	DESCRIPTION	BRAC EXPENSES	GRANT REQUEST EXPENSES	
2				
3	Reception: Total	\$ 400.00		Seeking Sponsor
4				
5	Printing / Postage			
6	Postcards/postage		\$ 390.00	
7	Programs		\$ 350.00	
8	Posters / Tags/ Inserts		\$ 50.00	
9	Total Printing		\$ 790.00	
10	Ads			
11	Greenville		\$ 300.00	
12	Anderson Independent		\$ 200.00	
13	Carolina Arts		\$ 135.00	
14	Daily Journal	\$ 150.00		Seneca NAT
15	Total Advertising		\$ 630.00	
16				
17				
18	TOTAL BUDGET	\$ 650.00		
19				
20	GRANT REQUEST/EXPENSES		\$ 1,420.00	
21				
22				

AGENDA ITEM SUMMARY
OCONEE COUNTY, SC

COUNCIL MEETING DATE: July 1, 2008
COUNCIL MEETING TIME: 7:00 PM

ITEM TITLE OR DESCRIPTION:

Acceptance of In-Car Video Camera System Program offered through the South Carolina Department of Public Safety (SCDPS).

BACKGROUND OR HISTORY:

Section 56-5-2953 of the SC Code of Laws created a funding source to purchase, install, and maintain in-car video camera systems in traffic enforcement vehicles statewide. This program is administered through the SCDPS.

The Oconee County Sheriff's Department has been selected to receive 10 systems.

SPECIAL CONSIDERATIONS OR CONCERNS:

SCDPS will provide, install, and maintain the in-car video systems. The videotaping equipment is on loan to the law enforcement entity and remains the property of SCDPS.

STAFF RECOMMENDATION:

Acceptance of In-Car Video Camera System Program

FINANCIAL IMPACT:

No matching funds required.

COMPLETE THIS PORTION FOR ALL GRANT REQUESTS

Are Matching Funds Available: N/A

If yes, who is matching and how much: N/A

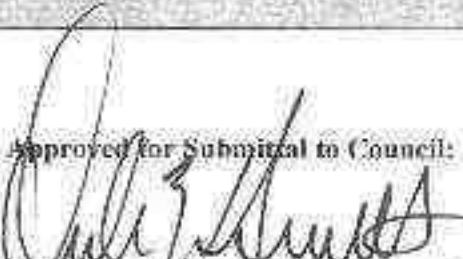
ATTACHMENTS

Submitted or Prepared By:

Veronda Holcombe-Lewis

Department Head/Elected Official

Approved for Submittal to Council:


Dale Surratt, County Administrator

Reviewed By/ Initials:

County Attorney

 Finance

Grants

C: Clerk to Council

Agenda Items Summary to be submitted to Administrator for review / approval no later than close of business on Wednesday prior to a Council meeting.